

ORIGINAL

MChen.war

**FILED**  
DISTRICT COURT OF GUAM

SEP - 1 2005 *9P*

**MARY L.M. MORAN**  
CLERK OF COURT

LEONARDO M. RAPADAS  
United States Attorney  
KARON V. JOHNSON  
Assistant U.S. Attorney  
Suite 500, Sirena Plaza  
108 Hernan Cortez  
Hagåtña, Guam 96910-5113  
PHONE: 472-7332  
FAX: 472-7334

Attorneys for the United States of America

IN THE UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
MING CHEN, )  
 )  
Defendant. )

MAGISTRATE CASE NO. **05-00041**  
**UNITED STATES' APPLICATION**  
**FOR A WARRANT OF ARREST**

COMES NOW the United States of America, by and through Assistant United States Attorney Karon V. Johnson, and moves this Honorable Court for a warrant of arrest for the above-named defendant, on the grounds that the United States has this day filed an Information against said defendant, charging him with the misdemeanor crime of Illegal Entry, in violation of Title 8, United States Code, §§ 1325(a)(1) & (2). The United States has probable cause to

//

//

//

//


//

1 believe that the above-named defendant has committed the crime charged in said Information,  
2 based upon the Affidavit of ICE Special Agent Nicholas Haney, attached hereto and incorporated  
3 herein as Exhibit A.

4 DATED this 1<sup>st</sup> day of September, 2005.

5 LEONARDO M. RAPADAS  
6 United States Attorney  
7 Districts of Guam and CNMI

8 By:

9   
10 KARON V. JOHNSON  
11 Assistant U.S. Attorney  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**AFFIDAVIT**

I, Nicholas Haney, being duly sworn, do hereby state:

1. I am a Special Agent with the Immigration and Customs Enforcement (ICE), a component of the U.S. Department of Homeland Security, and have been employed by ICE since March 1, 2003. Prior to then I was employed by the Immigration and Naturalization Service (INS) for approximately four years. I am currently assigned to the office of the Guam Resident Agent in Charge (RAC) of Immigration and Customs Enforcement. While employed as a Special Agent with ICE and legacy INS, I have investigated numerous criminal cases for violations of Titles 8 and 18, United States Code, as they apply to the United States immigration laws. The information provided below is based on information I received from other ICE special agents, and other law enforcement officers.

2 On August 25, 2005, Vera Perez, an employee of U.S. Citizenship and Immigration Services (CIS) was advised by an employee at the Guam National Wildlife Refuge at Ritidian Point, Yigo, Guam, that two suspected illegal Chinese nationals had been found trespassing at the Refuge.

3. Based on the report received, Ms. Perez notified Timothy Conway, Guam/ICE Senior Special Agent, who responded to the Refuge with several other ICE agents. The two people were identified as: MING CHEN (M) and LIU MEI LIU (F), both citizens of the People's Republic of China (PRC). CHEN and LIU were also determined to be undocumented aliens who arrived Guam by boat on or about 8/24/05 from the island of Saipan, Commonwealth of the Northern Mariana Islands (CNMI) without inspection.

4. Guam Police Department officers arrested three more people along the cliff line above the Refuge: XIAO FENG LIN (M), XIAN MEI YU (F), and SU HUA YIN (F). All three aliens were subsequently determined to be undocumented aliens who arrived in Guam by the same boat.

5. ICE agents later discovered a beached 22.7 foot Bayliner Trophy fiberglass boat bearing CNMI boat registration number CM 220 PU. They also found 12 adult size life vests

1 and two buoy rings in the boat or nearby.

2 6. On 8/28/05, after being advised of their Miranda rights and waiving said rights, Ming  
3 CHEN, Xian Me YU, Su Hua YIN, and Liu Mei LIU admitted being citizens of the People's  
4 Republic of China. They all admitted that they arrived on a boat from Saipan and were put  
5 ashore at Ritidian Point. They all admitted they had no permission to enter the United States.

6 7. Based upon the above information, I have probable cause to believe that Ming CHEN,  
7 Xian Me YU, Su Hua YIN, and Liu Mei LIU have committed the offense of Illegal Entry by an  
8 Alien, in violation of Title 8, United States Code, §§ 1325(a)(1) & (2).

9 Dated this 1<sup>st</sup> day of September 2005.

10  
11   
12 NICHOLAS HANEY  
13 Special Agent  
14 Immigration and Customs Enforcement

15 TERRITORY OF GUAM )  
16 ) ss.  
17 City of Hagatna )

18 SUBSCRIBED AND SWORN to before me this 1<sup>st</sup> day of September, 2005.

19 

20  
21 NOREEN F. SORIANO  
22 NOTARY PUBLIC  
23 In and for Guam U.S.A.  
24 My Commission Expires: Dec. 10, 2005  
25 Suite 500, Sirena Plaza  
26 108 Hernan Cortez Avenue  
27 Hagatna, Guam 96910  
28